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relations to society. The four essentials to wholesome development, health, play, schooling and suitable work, since they are necessary to all classes of children, the fortunate as well as the unfortunate, should have their place in every children's code.

The title of this article implies that children's codes grow and the implication is true; indeed, it is this characteristic of growth that holds out the promise of social well-being. The task of adjusting laws to conditions is continuous because conditions are always changing. A children's code must be from time to time renewed for each rewriting of it is but a step in the evolution of child care, a clearing of the way for further progress. It should be thought of as a living thing, capable of endless development. A fixed and final code would be a disaster but, happily, it is an impossibility for in the natural course of events it must yield to change. Conditions and ideals are the stuff of which it is made up and conditions and ideals are not stable things. Thus, while a children's code seeks to equalize opportunities for children by making toward uniformity of conditions, it must itself submit to being moulded and remoulded as time goes on, and must always encourage experimental work by whatever agency may be willing to undertake it, for it is only by means of fresh enterprises and trial of new methods that our systems of

law and administrative effort can be kept adequate under the ever changing circumstances of our life.

A children's code is more than a code. A code is an orderly compilation of laws, a mere labor-saving device, while a children's code is constructive social service. A code is a collection of the laws as they are; a children's code is a changing of the laws to what they ought to be. A children's code does not even bring together into one body the various laws of a state relating to children but leaves them scattered among the general acts as determined by their content; it does not aim at mechanical perfection but at the nurture of boys and girls. The word "code" in this connection is really a misnomer and "charter," signifying as it does the bestowal of rights and privileges, would, perhaps, be better; but "code" is shorter and hence preferred.

So it is that this movement, by whatever name it may be called, tries to make childhood safe, to give opportunity to those who otherwise would not enjoy it and to provide training and play for all. If it lengthens childhood for all children it will have accomplished its purpose; for childhood, as we like to think of it, means happiness and if this be prolonged by any act of ours we shall leave to our children and to our children's children, an inheritance that naught else earthly can surpass.

## A State Program for Child Welfare

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IN 1915 Mr. C. C. Carstens, Chairman of the Children's Committee of the National Conference of Social Work (or Charities and Correction as it was then called), presented a report

to the Conference on "A Community Plan in Children's Work." This report attempted to set forth in a concrete manner, not only the community responsibility for certain

classes of its handicapped children but a plan by which that responsibility might be effectively discharged—a plan sufficiently elastic to allow for modifications according to individual needs but definite enough in fundamental principles to serve as a guide for general use. Many groups in different states, interested in child welfare, have used the Committee's findings as a basis for study and in one state, Minnesota, they have been adopted, in part, in the children's program which was launched there in 1917, following the enactment of a considerable body of legislation to effect that purpose.

In the field of private philanthropy, legislation is not a prerequisite to effective social work. Law, in the main, is only incidental and, in truth, it is frequently the absence of good law which creates or perpetuates the need for private effort. To illustrate this point, one need only call to mind the burden imposed upon charity organization societies in the support of widowed mothers of dependent children before the passage of the so-called (and badly called) "mothers' pension" laws, or a similar burden in behalf of the dependent families of disabled workmen before compensation acts put the responsibility upon the shoulders of those ethically obligated to bear it. When we consider a state program, legislation is usually the starting point and for obvious reasons. The duty of the state to protect the interests of its children who are in need of guardianship care is, to be sure, well recognized in law, as well as in ethics, but in the absence of specific legislation it remains an undefined duty which is not susceptible of practical application until it is set out by metes and bounds. It is one thing to say that the state should extend its protecting arm to the dependent child and quite another to insist that no such child shall be placed

permanently in a family home until the state is assured that the home is such as will afford proper care. The general principle needs detailed amplification before it becomes a practical reality and it needs detailed limitation if it is to run the gauntlet of constitutional inquiry before courts of law. Moreover, the discharge of a public obligation requires administrative machinery which must either be created anew or moulded out of existing agencies; in either case, legislation is usually a necessity.

#### CREATION OF MINNESOTA STATE BOARD

It was such considerations which moved a group of interested people in Minnesota to ask the Governor for the appointment of a Child Welfare Commission to study conditions and make recommendations to the legislature which convened in 1917. It is hardly in point here to discuss the methods employed by the Commission in reaching its results further than to say that careful attention was given to the legal, as well as the social aspects of the problem; nor were proper publicity and the practice of practical politics in securing passage of the proposals overlooked. The Commission submitted forty-three measures, which had the approval of the governor, and the legislature enacted thirty-six into law. Two of the original suggestions which failed of passage have since become law and the others were not vitally essential to the general scheme presented.

Mr. Carstens' report deals with neglected, dependent and delinquent children and those who are physically and mentally defective. It suggests the state as a proper administrative unit in dealing with the problem and the county as a useful local adminis-

trative agency. Minnesota has centered its administration in the State Board of Control, a board of five members, two of whom are women, and all of whom are appointed by the governor for terms of six years. This board was given supervision and control over seventeen state institutions, including those relating to dependent, delinquent and defective minors and was the natural body to assume the additional powers necessary to an enlarged program for the care of children outside of institutions. It was authorized to create a department, under its control, to accomplish this purpose and in pursuance of that authority established what is known as the Children's Bureau. Here centralized responsibility is supplemented by de-centralized administration through county child welfare boards whose personnel consists of three (five in the case of the larger counties) persons appointed by the State Board, two of whom are women and two ex-officio members—the county superintendent of schools and a member of the board of county commissioners, selected by that board. In this way the close inter-relationship of the school system to the general problem is recognized and the coöperation of the commissioners, who are called upon to appropriate the funds for the county welfare boards, is secured. It is worth noting here that the local body is not appointed until a petition has come from the commissioners requesting such appointment, on the principle that these boards cannot function effectively until public opinion in the community is convinced of their need and ready to ask for their establishment. Communities, however, have been active in demanding them. Since January 1, 1918, when the law became operative, sixty-eight boards have been appointed in the eighty-six counties of the state.

#### NEED FOR CENTRALIZED ADMINISTRATION

The need for centralizing child welfare administration in a central body with county agencies operating in the various parts of the state, is summed up in the report of the Child Welfare Commission, which drew the law in the following manner:

At present the function of ultimate guardianship is exercised by the state, with respect to handicapped children, only through the courts and the public institutions to which the court makes commitments. Except as to the limited work done by the bureau of women and children of the State Department of Labor, it is literally true that no state agency in Minnesota is charged with the duty of seeing that children who need the help of the state by reason of their peculiar social handicaps have that help afforded them, either through court action or otherwise. The initiative is left with private persons and organizations. Present laws lay upon the Board of Control general duties in the matter of inspecting certain child helping organizations and institutions conducted by them; but these laws are far too vague to be thoroughly effective, and as to children not in institutions, public or private, the board has no duties whatsoever.

It has seemed to the Commission, therefore, that the prime requisite of its scheme is to centralize the state's authority and duty, so far as practicable, in an official group—(the State Board of Control). This machinery operates in every part of the state through the county child welfare boards.

The coördination of local agencies with a central one is expected to be an educative force of great value in developing right ideals and methods of work for children throughout the state, besides affording opportunity and responsibility for initiative now nowhere found.

As to whether the purposes of the Commission have been fully carried out, it is yet too early to pass a sound

judgment. This much is certain, however, that the constant and direct contact between the state office and the local groups has made possible, mutuality of understanding, unanimity of purpose and standardization of method to a degree which hardly seems possible under any plan which does not provide for similar inter-relationship of structure. The process is aided in no small measure by the annual conferences held by the state and local groups in connection with the State Conference of Social Work. These conferences are held by authority of law and the county is authorized to pay the expenses of certain local officials, including the county juvenile court judge and a member of the child welfare board. The county is likewise authorized to pay the necessary traveling expenses incurred by members of child welfare boards in attendance at meetings and when investigating cases. The salary and expenses of executive agents of the boards may also be paid by the county and all items of expenditure are subject to the approval of the board of county commissioners.

Mr. Carstens' report for the Committee on Children asserts that public departments should devote themselves to such work "as is based on principles that are well established, require the more permanent care, are more general in their application or contain an element of compulsion or control; while private organizations should develop in directions that are more experimental, require more temporary care, are more unusual in their application or are carried on with the coöperation of the families benefited." The report further expresses the judgment that children's work not carried on directly by the state should nevertheless be subject to state regulation and supervision. In other words, it is the obligation of the state to undertake,

itself, protective work in those fields where a public board can operate with the greatest propriety and effectiveness, and to assure itself that a minimum standard of efficiency is maintained by private organizations in the lines of work which they can more properly perform. It is impossible, and perhaps illogical, to consider the powers and duties of the local child welfare boards without first discussing the powers and duties of the State Board of Control and its instrument, the Children's Bureau, with reference to the principles just stated, because the local groups with few exceptions derive all their authority from the State Board. In the language of the law: "The Child Welfare Board shall perform such duties as may be required of it by the Board of Control in furtherance of the purposes of this act."

#### POWERS AND DUTIES OF THE STATE BOARD

The powers and duties of the State Board are of a three-fold character: First, there are imposed duties of a general protective nature, such as the enforcement of laws which are designed to protect children from their own anti-social conduct or the harmful acts of adults, and the taking of the initiative to conserve the interests of children in all matters where adequate provision has not already been made.

Second, authority is conferred upon the Board to accept the guardianship of handicapped children of all types who are committed by juvenile courts and to make such disposition of the children of either a permanent or temporary character, as the facts of the cases may warrant. This authority has been modified somewhat by a recent decision of the Supreme Court which holds that after a commitment to guardianship and before legal adoption by third persons, the juvenile

court has jurisdiction, upon a proper showing, to remand children so committed to the custody of their parents from whom they were originally taken. It is easy to imagine cases where the exercise of this power may work severe hardship upon innocent persons, as where a child has been placed out by the Board after commitment and has remained in the foster home for several years without having been legally adopted. In fact, the instance which was the occasion for the decision was a case where a profligate and immoral mother regained the right to the custody of the child who pled piteously not to be returned to her parent and who was desirous of remaining with her adopted parents in the excellent home which they provided. Fortunately a way has been found to thwart, temporarily at least, this unfortunate result.

Third, there are imposed upon the Board of Control, specific duties with respect to particular classes of children and institutions for their care. The law expressly enjoins the Board to coöperate with juvenile courts and all reputable child-caring agencies, and also requires it to license and supervise private societies, agencies, and institutions which receive children for board and care or which place them in family homes. Maternity hospitals, *i.e.*, all hospitals, of whatever character, which receive more than one woman within a period of six months for confinement care, are subject to the same licensing and supervisory power. Here is recognition of the right of the state to assurance that the care which children are receiving at the hands of private institutions and organizations is of such a nature as to provide a fair opportunity for growth and development. In the exercise of this right it has been necessary to prevent many who sought to undertake such work

(usually those who were looking for a business opening) from so doing.

In the great majority of cases the problem has been one of mutual counsel between the state and the private groups in the attainment of higher standards and a minimum of uniformity in principles and technique. Those agencies which place children in free homes for permanent care or adoption are required to report their placements to the Board, which investigates and may order the return of the child, if in its opinion the home is not suitable. The procedure here involves a duplication of investigations which is cumbersome and should be avoided, if possible, by an agreement to accept as final the reports of such agencies as attain a reasonable standard of proficiency in child placement. Singularly enough, this type of work in the western states has been and still is, to a large extent, in the hands of persons who are not markedly qualified for it; yet good placement is fundamental in child welfare work. Nowhere is there greater need for general agreement between the public and private agency as to principle and method than in this field where individual judgment so easily leads to differing opinions and diametrically opposed conclusions.

#### RELATED PROBLEMS CONFRONTING THE BOARD

Correlated to the subject of placing children is their legal adoption. It has been the prevailing custom to regard adoption as strictly a legal process based upon the sufficiency of the papers and affidavits presented to the court having jurisdiction. However, the Board of Control now receives copies of the petitions filed in such cases and is required to investigate and report to the court as to the suitability of the child and the foster home, each to the other. The social factors have been given a place

of prime importance in a proceeding which is essentially social in all of its implications. As further evidence of this, adoptions cannot be legally perfected until the child has remained for six months in the foster home.

The adoption and placement of children naturally relates itself to the age-long and baffling problem of illegitimacy, for the child born out of wedlock frequently is in need of a foster home. The Board of Control functions here by assisting in the establishment of the paternity of the child and by conserving the interests of the mother and child in whatever ways may be found necessary. The responsibility of illegitimate paternity is made the same as that of legitimate so far as care, maintenance and education are concerned, and the Board is authorized to make settlements with the approval of the court, to hold money in trust for the benefit of the child and to pay out from time to time such sums as may be needed for the child's care. The two-fold advantage of such a plan lies in the fact that where settlements are made in lump sum, the principal can be conserved during the full period of the child's minority and, in any event, money need only be paid out after a showing on the part of the mother or other custodian that good care and wholesome environment are being provided, *i.e.*, that the money is being well spent. Moreover, the activity of a public body in securing adequate settlements, either in lump sum or monthly payments, for children born out of wedlock, tends to raise the amounts and, consequently, the standard of maintenance.

Minnesota has made provision for county allowances (mothers' pensions) for several years and the relief has been administered by the various county probate judges with such assistance in the way of social investigation as the

individual judge might desire. In practice, very little investigating of such matters has been done save in the counties containing large cities and the law has been administered in a loose, unstandardized fashion. The statute of 1917 makes it the duty of the State Board of Control to promote uniformity and efficiency in the giving of this relief by coöperating with and lending assistance to probate courts, and provides for a state refund of one-third of the amount expended by the counties, which is to be paid upon the approval of the Board. No appropriation has ever been made for this purpose but, in spite of that fact, there has been a developing inter-relationship between the courts and the state and local boards which has served to bring about some improvements and the situation gives promise of better things for the future.

In the general state program the needs of the mentally defective have not been ignored. A feeble-minded person is subject to compulsory commitment to state guardianship when his own interests or those of the public require it, and the Board of Control becomes responsible for the supervision or custodial care of the patient. It may make such provision as may be needed within the limits of its facilities which, in common with those of all other states, are somewhat meager, though some relief will be afforded when the new colonies on state land are put into operation as a supplement to the present institution for defectives.

#### FUNCTIONS OF COUNTY BOARDS

Such then, in general outline, are the duties of the state agency from which the county child welfare boards derive their authority in the process of decentralized administration. The local group investigates and reports upon all adoptions and placements within its

jurisdiction. It undertakes to do the case work involved in the treatment of the unmarried mother and her child, under general supervision from the state office. It assists the mother in bringing affiliation proceedings and represents the Board of Control in those proceedings and in the settlement negotiations. It provides supervision counsel and guidance for mother and child and plans for the future of both, whether they remain together or are separated. Where a feeble-minded person is committed to state guardianship the local board usually determines when the proceeding shall be brought and, if non-institutional care is to be provided in the community, the local group are responsible for the patient's supervision. The county board cooperates closely with the court, which administers county allowances, in investigating applications and in supervising families to which such aid is being given. The members of the board or its agents may and do serve as probation officers in the juvenile court and as school attendance officers.

But the county boards are more than mere instruments of the state department; they are the official representatives of their constituents in the community in fulfilling the county's responsibility toward childhood, and a central clearing house to which may be brought all matters involving the well-being of children. The local group is close to its own problems and readily accessible in their solution. It has knowledge of the special needs and peculiarities of its own community and can adapt its action accordingly while the immediate contact with local public officials makes cooperation more prompt and effective. However, it must be admitted that sometimes the very immediacy of the contact proves a barrier to good results. Most important of all, the child welfare board is,

in a sense, the keeper of the community conscience in doing justice to childhood. A general program based upon defined principles needs to be understood by the community before it becomes an actuality. The local board is an educative force and a center for the dissemination of right standards and ways of thinking in its own vicinity, thus rendering an indispensable service in a state-wide scheme of child protection.

#### ESSENTIAL PRINCIPLES

Enough has been said to show the extent of the job which confronts a child welfare board and the technical character of much of its work in dealing with case problems. In the last analysis, good case work is fundamental and the members of these boards may well be regarded as case workers in training with the state office, strained usually beyond its powers in providing wise direction and supervision. The actual contact with real human problems is of incalculable value to a board member in a realization of the importance of his duty and the manner in which that duty can be most effectively discharged. Nevertheless in the last analysis there should be trained service at the disposal of such boards. A fully equipped executive secretary can give direction, power and professional method to the board's work, while making the board itself determine policy, think socially and shape community environment and ideals. Some twenty of the boards now have secured executive secretaries of more or less training, with, on the whole, the expected good results.

The program as outlined conforms, in the main, to the opinions expressed in the report of Mr. Carstens' committee. Most of the work undertaken is based upon principles that are well established or of general application.



This is particularly true of adoption and placement investigations; it is less true where the feeble-minded and the illegitimate are concerned, yet even there the element of compulsion is frequently present. In the development of case work with the unmarried mother and her child, the private agency has an opportunity which is unlimited for achieving sound and successful results. Generally speaking, but little has been done in this field where sentimentality, prejudice and untrained service have played so important a part.

Whatever may be the general soundness of any state program, it must stimulate and encourage private initiative as a necessary and fundamental supplement to its own endeavor. Private enterprise should be pioneering effort, exploring new fields, recognizing new needs and developing higher standards. Too frequently, however, such societies and organizations have been content with their present job,—the thing they have always done—and have been unwilling to venture from the safe and established moorings. This not only reacts upon the value of their own work but it deprives the state group of that stimulus and example which is a partial remedy for bureaucracy and unimaginative routine. More important still, it leaves a valuable field of service untouched where proper cultivation would satisfy real social and human needs.

#### INSTITUTIONAL DEVELOPMENT

A state program is not complete which does not provide institutional care for those children in need of it. In Minnesota, as in most states, the building of institutions has preceded by many years the development of non-institutional preventive work. For the crippled and deformed child who can be benefited by operation or treatment,

there is the hospital, equipped to provide that service for children whose parents are unable to pay for private care. The blind are given special training in a school which seeks to fit them for useful citizenship, and another school provides similar training for the deaf and the defective of speech. Custody and training for the feeble-minded is the work of another institution, while simple colony care for the able bodied males is in contemplation. The delinquent girl is trained in the useful arts and is taught respect for authority and an appreciation of the fundamentals of group life in what is well called the Home Schools for Girls—an institution unique in its effort to avoid the harmful effects of institutional isolation by relating its work to the community in which it is located and by affording life in the community to the fullest possible extent. The Training School for Boys provides for the needs of the delinquent boy upon the well recognized principle that delinquency is to be treated by diagnosis and remedy, not by conviction and punishment. The dependent child is cared for and ultimately placed-out for permanent care, if there is no hope of rehabilitating his home, by the State School which receives him upon commitment from the juvenile courts of the state.

If one were to venture a prophecy, it is that the future development of institutions is to be in the direction of greater simplicity in organization and buildings—a readjustment of administration and physical plant in ways which will permit of individual and not mass care and provide a life, while in the institution, which approximates more closely the surroundings and environment which the child meets in actual life. He is normally accustomed to a plain dwelling home, two parents and brothers and sisters; his

difficulty is usually absence of parental care or defective parental guardianship. He does not need a marble tiled building covering a city block with from fifty to a hundred (many times, more) children to share his daily life. May it not be also that there will be in the future less of specialization in children's institutions and more provision for the care and study of the problem child who seldom can be pocketed merely as a delinquent, a dependent or a defective.

The State Board of Control is not the only state agency which protects the well-being of children, for the State Industrial Commission is charged with the enforcement of comprehensive child labor, street trades and school attendance laws, which are designed to insure a heritage of education and to prevent industry from "reaping the human crops in the spring time." The State Board of Education, in addition to its duties in the administration of state aid to local school districts, undertakes to assist and provide aid to such local school districts as provide special classes for retarded children and those suffering from other handicaps which leave them unfit for the regular school curriculum.

The State Board of Health collects

and compiles vital statistics and through its divisions, Nursing, Tuberculosis, Venereal and Preventable Diseases, relates itself definitely to the child conservation program. For all these state agencies there is pressing need of correlation and coördination. Possibly the Ohio plan for a state council would afford a solution of this difficulty.

Besides the administrative agencies of the state herein referred to, there is state wide provision for county juvenile courts which hear the problems of the delinquent, dependent and neglected child and which administer the county allowance (so-called mothers' pension law). It has been the aim in Minnesota to establish close contact between the juvenile courts and the state and county child welfare agencies in order that the judicial phases of the problem may have adequate administrative supplement.

The investigation of county allowances and the follow-up supervision where such allowances are granted, the investigation of neglect and delinquency and the provision for probation, are all matters of an administrative character for which the child welfare boards are gradually assuming a larger measure of responsibility.